

REMARKS

This Amendment is filed in response to the FINAL Office Action mailed on June 9, 2004; in response to the Advisory Action mailed on September 21, 2004, and in the Request for Continued Examination (RCE) filed on even date herewith. All objections and rejections are respectfully traversed.

Please enter and consider the Amendment after FINAL Rejection under 37 C.F.R. § 1.116 filed on July 16, 2004. Claims 1-28 are written assuming that the Amendment after FINAL Rejection under 37 C.F.R. § 1.116 filed on July 16, 2004, was entered.

Claims 1-32 are in the case.

Claim 20 was amended to correct a typographical error.

The independent claims were amended to better claim the invention.

New Claims 29-32 were added to better claim the invention.

At paragraphs 1-2 of the FINAL Office Action mailed on June 9, 2004, claims 1, 5, 6, 10, 11, 13, 15, 16, 19, 20, 23-24, 26, 27, 28 were rejected under 35 U.S.C. 102(e) as being anticipated by Dugan *et al.* U. S. Patent No. 6,078,586 issued June 20, 2000 (hereinafter Dugan).

The Advisory Action mailed on September 21, 2004, sustains this rejection. Further, the Advisory Action states at the continuation sheet:

“Applicant argues reference Dugan does not disclose at least two links not supporting protocol connected to first network.

Examiner, respectfully contends, in light of claim language, reference Dugan discloses network using PNNI routing protocol and at least two links not supporting routing protocol. Dugan discloses exchange of data between customer site (Figure 3 element 115a) and another customer site (element 115e) transmitted through UNI links between source customer site (element 115a) and ATM switch (element 120a) and between ATM switch (element 120d) and destination customer site (element 115e).

Applicant argues Dugan does not disclose exit border node connected to the at least two links, exit border receiving clearing message from second network indicating a rejection of best route, generating a crankback information element in response to clearing message, adding crankback information element to clearing message and forwarding clearing message and crankback information element to entry border node.

Examiner contends Dugan et al. discloses setup message being sent from customer (Figure 7, address B.1.1.6) and switch (X.2.2) being congested or interface (X.2.2.3) failing thus call attempt for customer site (B.3) is rejected and switch (X.2.2) cranks back setup message to ISP node (Z.2) where the ISP node returns a revised setup message taking into account information about blocked switch or interface failure (SETUP+) and network, now informed of it has to find a new best route, completes call via alternate link (X.2.3.4) to destination. See column 9, lines 51-62.”

Examiner identified links between end stations and switching nodes with Applicant's claimed links which do not support the routing protocol. Applicant respectfully urges that Applicant's links which do not support the routing protocol connect a switching node in the first network with a switching node in the second network. The problem

solved by Applicant is how to deal with a link which does not support the routing protocol, and also connects two switching nodes, one in the first network and one in the second network.

Accordingly, Applicant has amended all independent claims to clarify that Applicant's links which do not support the routing protocol connect switching nodes, one switching node in the first network and the other switching node in the other network.

As set forth in representative claim 1, Applicant's invention comprises, in part:

1. In an Asynchronous Transfer Mode (ATM) system composed of at least a first data network (10) having a plurality of switching nodes interconnected by connection lines and including end switching nodes each being connected to at least a Data Transmission equipment (DTE) and being used either as an entry border node (22) when it is connected to a source DTE (18) or an exit border node (28) when it is connected to a destination DTE (20), said network using a routing protocol of the type wherein a best route between a source DTE and a destination DTE is determined in a control point associated with said entry border node to which is connected said source DTE and wherein a set-up message is sent by said entry border node, and a second data network (12) including at least one DTE to be used as destination DTE in an exchange of data with a source DTE connected to said first data network and being interconnected with said first data network by means of at least two links (14, 16) not supporting said routing *protocol, the at least two links not supporting said routing protocol connecting a switching node of the first data network with a switching node of the second data network;*

method for extending the crankback procedure over all said system comprising:

when the exit border node of said first data network receives a clearing message on one of said links indicating that said set-up message has been rejected because said best route is blocked anywhere in said second data network, in building a crankback information element to be added to said clearing message, ***the clearing message transmitted from a switching node of the second data network to a switching node of the first data network over one of the at least two links not supporting said routing protocol, said crankback information element and said clearing message*** for enabling said entry border node to find an alternate route avoiding the portion of said best route which is blocked.

Dugan discloses connecting a switching node to source or destination data transmission equipment to a switching node using a link which does not support routing protocol.

Applicant respectfully urges that Dugan has no disclosure of Applicant's claimed novel ***the clearing message transmitted from a switching node of the second data network to a switching node of the first data network over one of the at least two links not supporting said routing protocol.***

Applicant respectfully points that the problem solved by Applicant does not arise in the Dugan disclosure because, Dugan does not connect two switching nodes by a link which cannot support the routing protocol.

New claims 29 and 30 have been drafted to further clarify the difference between Applicant's claimed novel invention and the disclosures of Dugan. In claims 29 and 30

Applicant explicitly sets out two switching border nodes in the first network, and explicitly sets out two switching nodes in the second network.

A set out in representative claim 29, Applicant's claimed novel invention is set forth as:

29. A system comprising:

a first computer network and a second computer network, said first computer network and said second computer network each supporting a routing protocol;

a first border node in the first computer network connected to source data transmission equipment (DTE), the first border node determining a best path to a destination DTE, the destination DTE located in the second computer network;

a second border node in the first computer network connected by the first computer network to the first border node;

a third border node in the second computer network connected to the second border node by a link, the link not capable of supporting the routing protocol;

a fourth border node in the second computer network connected to said destination DTE, said fourth border node connected to the third border node by the second computer network;

the third border node receiving a clearing message from said second computer network indicating a rejection of said best route, the third border node generating a crankback information element in response to receiving said clearing message, the third border node adding said crankback information element to said clearing message, and said third border node forwarding the clearing message with said crankback element to the second border node through said link not capable of supporting the routing protocol;

the second border node generating a new clearing message in response to receiving the clearing message with the crankback element,
and

the second border node sending the new clearing message to the first border node, so that the first border node can find a new best path to the destination DTE.

Applicant respectfully urges that Duggan has no disclosure of Applicant's claimed novel

a third border node in the second computer network connected to the second border node by a link, the link not capable of supporting the routing protocol;

. . .

the third border node receiving a clearing message from said second computer network indicating a rejection of said best route, the third border node generating a crankback information element in response to receiving said clearing message, the third border node adding said crankback information element to said clearing message, and said third border node forwarding the clearing message with said crankback element to the second border node through said link not capable of supporting the routing protocol;

the second border node generating a new clearing message in response to receiving the clearing message with the crankback element.

Accordingly, Applicant respectfully urges that Duggan is legally precluded from anticipating the presently claimed invention under 35 U.S.C. § 102 because of the absence from Duggan of Applicant's claimed novel *the clearing message transmitted from*

a switching node of the second data network to a switching node of the first data network over one of the at least two links not supporting said routing protocol, said crankback information element and said clearing message, as set out in representative claim 1.

At paragraphs 3-4 of the FINAL Office Action, claims 2-3, 7-8, 12, 18, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Son-codi U. S. Patent No. 6,111,881.

At paragraph 5 of the FINAL Office Action claims 4, 9, 14, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Rochberger et al. U. S. Patent No. 6,208,623.

Applicant respectfully notes that claims 2-3, 7-8, 12, 18, and 25 and claims 4, 9, 14, and 21 are dependent from independent claims which are believed to be in condition for allowance. Accordingly, these dependent claims are believed to be in condition for allowance.

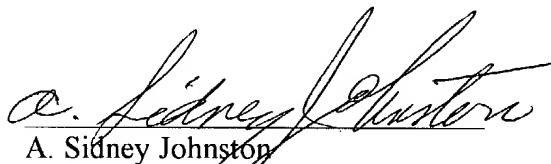
All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "A. Sidney Johnston", written over a horizontal line.

A. Sidney Johnston
Reg. No. 29,548
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500